



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steve Mitchell
Appln. No.: 10/685,139
Confirm. No.: 4489
Filed: October 14, 2003
Title: INTERSPINOUS PROCESS AND
SACRUM IMPLANT AND METHOD

PATENT APPLICATION

Art Unit: 3733
Examiner: Hoffman, Mary C.
Atty. Docket No.: KLYC-01075US1

Customer No. 23910

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ✓ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ✓ Copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as required, except for those items designated by an asterisk (*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

This statement should be considered because:

- ✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
 - (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
 - (2) It is being filed within 3 months of entry of a national stage;
-- OR --

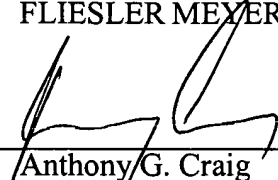
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
(4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

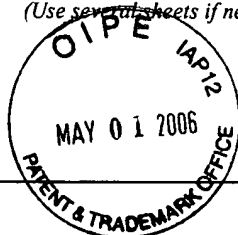
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Form PTO-1449 (Substitute) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)	Attorney Docket Number KLYC-01075US1	Serial/Patent Number 10/685,139
	Applicant/Patent Owner Steve Mitchell	
	Filing/Issue Date Oct. 14, 2003	Group Art Unit 3733



U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
		5,865,848	Feb. 2, 1999	Baker			
		6,641,614	Nov. 4, 2003	Wagner et al.			
		6,936,071	Aug. 30, 2005	Marnay et al.			

U.S. PATENT PUBLICATIONS				
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant
		2003/0204261	Oct. 30, 2003	Eisermann et al.
		2004/0117022	Jun. 17, 2004	Marnay et al.
		2004/0143332	Jul. 22, 2004	Krueger et al.
		2004/0153157	Aug. 5, 2004	Keller
		2004/0225363	Nov. 11, 2004	Richelsoph
		2004/0230307	Nov. 18, 2004	Eisermann
		2004/0243240	Dec. 2, 2004	Beaurain et al.
		2005/0021145	Jan. 27, 2005	De Villiers et al.
		2005/0043802	Feb. 24, 2005	Eisermann et al.
		2005/0065611	Mar. 24, 2005	Huppert et al.
		2005/0102029	May 12, 2005	Blain
		2005/0113842	May 26, 2005	Bertagnoli et al.
		2005/0159818	Jul. 21, 2005	Blain
		2005/0159819	Jul. 21, 2005	McCormack et al.
		2006/0036326	Feb. 16, 2006	Baumgartner et al.

Examiner	Date Considered
<p>*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>*1 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p> <p>*2 = Copy not submitted because it was submitted in prior application SN / _____, filed _____, 20____, relied on under 35 USC §120.</p>	